

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALEXANDRE B. ZOLOTOVITSKI,

Plaintiff,

v.

HERE NORTH AMERICA LLC,

Defendant.

CASE NO. 2:19-cv-01964-RAJ-BAT

**ORDER DENYING REQUEST FOR  
ERRATUM**

Plaintiff Alexandre B. Zolotovitski moves, pursuant to Fed. R. Civ. P. 15, to “fix an erratum [to] his Complaint.” Dkt. 46. For the reasons explained herein, Plaintiff’s request is denied.

DISCUSSION

Rule 15(a) provides that “[a] party may amend its pleading once as a matter of course” either “before being served with a responsive pleading” or “within 20 days after serving the pleading if a responsive pleading is not allowed and the action is not yet on the trial calendar.” Fed. R. Civ. P. 15(a)(1). Thereafter, the party must seek the other party’s written consent or the court’s leave in order to amend the pleading. *See* Fed. R. Civ. P. 15 (a)(2). Rule 15(a)(2) further states that “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). If a party must seek the court’s leave to file an amended pleading, “leave to amend lies within the sound discretion of the [district] court.” *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 185-86 (9th Cir. 1987) (internal citation omitted).

Pursuant to Local Civil Rule 15, a party who moves for leave to amend a pleading must attach a copy of the proposed amended pleading as an exhibit to the motion or stipulation. The party must indicate on the proposed amended pleading how it differs from the pleading that it amends by bracketing or striking through the text to be deleted and underlining or highlighting the text to be added. The proposed amended pleading must not incorporate by reference any part of the preceding pleading, including exhibits. If a motion or stipulation for leave to amend is granted, the party whose pleading was amended must file and serve the amended pleading on all parties within fourteen (14) days of the filing of the order granting leave to amend, unless the court orders otherwise.

Plaintiff is further advised that once an amended complaint is filed, it becomes the operative complaint because it supercedes the original complaint and renders it without legal effect. *See Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir.2012) (en banc).

Accordingly, Plaintiff's request for an erratum to his complaint (Dkt. 46) is **DENIED**. If Plaintiff wishes to amend his complaint, he should file a motion to amend (with the proposed amended complaint attached), serve the motion on the defendant, and note the motion for the court's consideration. Plaintiff should also confer with counsel for Defendant to determine if Defendant will agree to the proposed amendment.

DATED this 10th day of March, 2021.



---

BRIAN A. TSUCHIDA  
Chief United States Magistrate Judge